

REMARKS

The present application has been reviewed in light of the non-final office action dated March 07, 2007, in which claims 8-15 have been allowed, and in which claims 1-7 and 21-28 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent Number 6,530,838 of Ha et al. (hereinafter Ha), in view of U.S. Patent Application Publication Number 2003/0036428 A1 of Aasland (hereinafter Aasland). In addition, claim 29 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication Number 2003/0054856 A1 of Glover (hereinafter Glover). Reconsideration of the present application is respectfully requested.

Claims 1-15 and 21-31 are currently pending. Claims 16-20 were previously cancelled. Independent claims 1, 21, and 29 have been amended to incorporate limitations similar to those presented in allowed claim 8. In addition, claims 2, 5-7, 9, 10, 13, 22, and 24-27 have been amended to address minor matters of form, which amendments better place the claims in condition for allowance. Assignee respectfully asserts that these amendments do not create any prosecution history estoppel because they are not narrowing amendment, and may in some circumstances broaden claim scope. In addition claim 8 has been amended to remove the phrase "a personal computer having a second local wireless transmission module." Assignee respectfully asserts that this amendment does not create prosecution history estoppel because this amendment does not narrow the scope of claim 8 and may in fact broaden the scope of claim 8. New claims 30 and 31 have been added. Assignee respectfully submits that support for new claims 30 and 31 can be found throughout the specification, such as paragraphs [0024] through [0029] and/or Figures 2 and 3, for example. Assignee respectfully asserts that no new

matter has been presented. Claims 8-15 are allowed. Assignee gratefully acknowledges that the Examiner has indicated that claims 8-15 are allowed. In view of the foregoing amendment and following remarks Assignee respectfully asserts that the remaining claims are likewise in condition for allowance.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the cited documents. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). MPEP § 2143.03. In addition, there must have been a rationale for one of ordinary skill to have made the proposed combination. Finally, one of ordinary skill must have been able to understand the benefits of making the proposed combination. See KSR International, Co. v. Teleflex, Inc. No. 04-1350 (US Apr. 30, 2007).

With regard to the merits of the Examiner's rejections, we begin with claim 1 as amended. Assignee respectfully asserts that the Examiner has not established a *prima facie* case of obviousness because the cited documents, alone or in combination do not teach or suggest every element of Assignee's claim subject matter. Specifically, Assignee respectfully asserts that neither of the cited documents, alone or in combination, teach or suggest "a command input device for use with a digital data processing system and a portable communication apparatus, comprising: a signal connector capable of detachably plugging into a socket of said portable communication apparatus; and a command generator coupleable to said signal connector and capable of asserting a command signal to said digital data processing system via local wireless transmission modules of said portable communication apparatus and said digital data processing system, wherein the command generator does not have any wireless transmission module," as recited in Assignee's claim 1. More specifically, Ha does not teach or suggest "a command generator coupleable to said signal connector and capable of

asserting a command signal to said digital data processing system via local wireless transmission modules of said portable communication apparatus and said digital data processing system." The Examiner attempts to cure the deficiencies of Ha by incorporating the wireless capabilities of Aasland into the system of Ha. Assignee respectfully asserts, however, that the wireless capabilities of Aasland do not cure the deficiency of Ha because the proposed combination does not teach or suggest "asserting a command signal to said digital data processing system," as recited in Assignee's claim 1. Thus, even if the combination of Ha and Aasland was proper, which Assignee does not concede, the resulting combination suggested by the Examiner does not yield all the limitations of claim 1. Accordingly, Assignee respectfully requests that this ground for rejection be withdrawn.

In addition, claims 2-7, depend from claim 1, and as such patentably distinguish from the cited documents on at least the same and/or a similar basis. According, Assignee respectfully requests that these rejections be withdrawn as well.

Furthermore, independent claims 21 and 30 likewise include limitations similar to claim 1, and therefore Assignee respectfully asserts that claims 21 and 30 also patentably distinguish over the cited documents. Claims 22-28 depend from claim 21 and patentably distinguish from the cited documents on at least the same basis as claim 21. Claim 31 depends from claim 30 and as such patentably distinguishes from the cited documents on at least the same basis as claim 30. According, Assignee respectfully requests that these grounds for rejection be withdrawn as well.

With regard to claim 29, as amended, Assignee respectfully asserts that the Examiner has failed to establish a prima facie case of unpatentability because the cited document does not teach or suggest each and every element of Assignee's claim 29, as amended. Specifically,

it is respectfully asserted that Glover does not teach or suggest a method of "asserting the command signal from the portable communication device to said computer," as recited by Assignee's claim 29. Assignee therefore respectfully requests that the Examiner's rejection on this ground be withdrawn.

For at least the reasons above, Assignee respectfully asserts that claims 1-15 and 21-31 are allowable and requests that the Examiner permit these claims to proceed to allowance. Although additional arguments are believed to exist for distinguishing the cited documents, the foregoing is believed sufficient to address the Examiner's rejections. Likewise, failure of the Assignee to respond to a position taken by the Examiner is not an indication of acceptance or acquiescence of the Examiner's position. Instead, it is believed that the Examiner's positions are rendered moot by the foregoing and, therefore, it is believed not necessary to respond to every position taken by the Examiner with which Assignee does not agree.

Assignee would also like to note that a power of attorney and change of correspondence address was filed in this application on January 3, 2007. However, the USPTO has not yet updated the correspondence address for this application. Accordingly, Assignee is resubmitting the power of attorney and change of correspondence address with this response.

COMMENTS ON EXAMINER'S REASONS FOR ALLOWANCE

The Examiner's statements of reasons for allowance are hereby acknowledged by Assignee. Assignee agrees that the claimed subject matter is patentably distinct from the documents cited by the Examiner; however, Assignee takes no position regarding the reasons for allowance presented by the Examiner, other than the positions Assignee may have previously taken during prosecution of the above-referenced patent application. Therefore, the Examiner's reasons for allowance should not be attributed to Assignee as an indication of the basis for Assignees' belief that the claims are patentably distinct. Furthermore, it is respectfully asserted that there may also be additional reasons for patentability of the claimed subject matter not explicitly stated in this record. While in accordance with 37 C.F.R. §1.104(e), a failure by the Assignee to disagree with the Examiner, or file more detailed comments, does not give rise to any implication that the Assignee agrees with or acquiesce in the reasoning of the Examiner, here, by this document, Assignee is expressly making clear that no such agreement or acquiesce is present.


CONCLUSION

In view of the amendments and remarks above, Assignee submits that this application is in condition for allowance. The Examiner is invited to contact the undersigned at (503) 439-6500 if any questions remain. Reconsideration and allowance are respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3703.

Respectfully submitted,

Dated: 6-7-07



Steven J. Munson
Registration No. 47,812
Attorney for Assignee

Customer No. 43831
Berkeley Law and Technology Group, LLP
17933 NW Evergreen Parkway, Suite 250
Beaverton, OR 97006
503-439-6500